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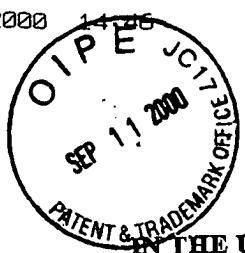
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PATENT
P-2762-US1

#9
AP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: STEINER, Mitchell S. ; RINALDY, Augustinus; MENON, Rema

SERIAL NO: 09/449,817

EXAMINER:

SEP 25 2000

FILED: November 26, 1999

GROUP ART UNIT:

TECH CENTER 1600/2900

FOR: ISOLATED NUCLEARIC ACID ENCODING P-HYDE PROTEIN AND METHODS OF
INDUCING SUSCEPTIBILITY TO INDUCTION OF CELL DEATH IN CANCER

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Attention: Everett Williams - Initial Patent Examination Division

COMMUNICATION

Sir:

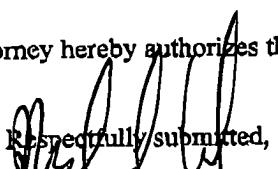
This Communication is filed in response to the Notice of Incomplete Reply (NonProvisional) dated August 22, 2000 issued by the United States and Trademark Office in connection with the above-identified Application. A copy of the Notice is attached hereto.

The Notice states that the United States Patent and Trademark Office has received the reply of June 12, 2000 to the Notice to File Missing Parts mailed on January 10, 2000 by the Patent Office. The Notice states that the Response does not include the signature of Augustine Rinaldy as named inventor on the Oath and Declaration.

In response, Applicants respectfully request that the Examiner withdraw the Notice because the Notice is incorrect and issued in error. Applicants on June 12, 2000 filed a response to the Notice of Missing Parts dated January 10, 2000 attached to the response was an Oath and Declaration signed by the named inventors. Applicants attach hereto a copy of the Response including the signed Oath and Declaration as filed and a copy of the postcard receipt stamped by the Patent and Trademark Office. The postcard indicates thereon that the Declaration and Power of Attorney is signed. Thus, Applicants response was timely filed and was a complete reply.

Accordingly, Applicants respectfully request that the United States Patent and Trademark Office withdraw the Notice of Incomplete Reply and forward the subject Application to the Examiner for examination.

If any fee is required, the undersigned attorney hereby authorizes the Patent Office to charge such additional fee to Deposit Account 05-0649.


Respectfully submitted,

Mark S. Cohen

Attorney for Applicant(s)
Registration No. 42,425

Dated: September 11, 2000

Eitan, Pearl, Latzer & Cohen-Zedek
One Crystal Park, Suite 210, 2011 Crystal Drive
Arlington, VA 22202-3709
Tel: 703.486.0600
Fax: 703.486.0800

FORMALITIES LETTER



"OC00000005342027"



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/449,817

11/26/1999

Mitchell S. Steiner

P-2762-US1

RECEIVED

EITAN PEARL LATZER & COHEN-ZEDEK
LANDON & STARK ASSOCIATES
2011 CRYSTAL DRIVE
ONE CRYSTAL PARK SUITE 210
ARLINGTON, VA 222023709

02 23 2000

TECH CENTER 1600/2900

Date Mailed: 08/22/2000

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 06/12/2000 to the Notice to File Missing Parts (Notice) mailed 01/10/2000 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The signature of the following inventor(s) is missing from the oath or declaration:
Augustine Rinaldy

A copy of this notice MUST be returned with the reply.

Everett Williams
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED

SEP 13 2000

TECH CENTER 1600/2900

Receipt for application papers is evidenced hereon by the Official stamp of the
U.S. Patent & Trademark Office:

Hand Carried to USPTO on July 3, 2000:

Applicant: STEINER, MITCHELL ET AL

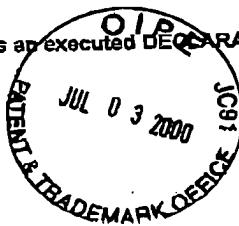
Title: AN ISOLATED NUCLEIC ACID ENCODING P-HYPE PROTEIN
AND METHODS OF INDUCING SUSCEPTIBILITY TO
INDUCTION OF CELL DEATH IN CANCER

Docket: P-2762-US1

Serial: 09/449,817

Included with this hand carry is an executed DECLARATION/POWER OF
ATTORNEY (signed).

No. 488



PATENT
P-2762-US1IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): STEINER, Mitchell S., et al

SERIAL NO: 09/449,817

EXAMINER:

FILED: November 26, 1999 GROUP ART UNIT: 1652

FOR: AN ISOLATED NUCLEARIC ACID ENCODING P-HYDE PROTEIN AND METHODS OF INDUCING SUSCEPTIBILITY TO INDUCTION OF CELL DEATH IN CANCER

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

ATTENTION: BOX MISSING PARTS

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION AND
PETITION FOR A THREE-MONTH EXTENSION OF TIME

Sir:

In response to the Notice of File Missing Parts of Application under 37 CFR 1.53(b), mailed January 10, 2000 (a copy of which is enclosed), Applicant(s) submit herewith the following:

1. an executed Declaration and Power of Attorney making reference to the above-identified application, and in compliance with 37 C.F.R. 1.63;
2. a Verified Statement Claiming Small Entity Status For a Business Concern; and
3. a Preliminary Amendment.

A response was due March 10, 2000. Applicant(s) hereby petition for a three-month extension of time. Therefore, a response is now due on June 10, 2000. Since June 10, 2000 falls out on a Saturday, a response is due the next business day, i.e. June 12, 2000. Accordingly, this Response and Petition are being timely filed.

The Patent Office is hereby authorized to charge Deposit Account 05-0649 in the amount of \$2,326.00, covering the following:

APPLICANT(S): STEINER, Mitchell S. et al.
 SERIAL NO.: 09/449,817
 FILED: November 26, 1999
 Page 2



FEE CALCULATION

1. BASIC FILING FEE

	Large Entity Fee	Small Entity Fee	
Utility	\$690	\$345	690.00
Provisional	\$150	\$75	0

2. EXTRA CLAIM FEES

Total Claims $38 - 20^{**} = 18 \times 18 = 324.00$

Independent Claims $7 - 3^{**} = 4 \times 78 = 312.00$

Multiple Dependent \times [] = []

Large Entity Fee	Small Entity Fee	Fee Description
\$18	\$9	Claims in excess of 20
\$78	\$39	Independent claims in excess of 3
\$260	\$130	Multiple dependent claim, if not paid

636.00

3. Fee for Petition for Extension of Time

Large Entity Fee	Small Entity Fee		
\$110	\$55	Extension for reply within first Month	0
\$380	\$190	Extension for reply within second Month	0
\$870	\$435	Extension for reply within third Month	870.00
\$1,360	\$680	Extension for reply within fourth Month	0

4. Subcharge Fee Under 37 CFR 1.16(e) or 1.492(e)

Large Entity Fee	Small Entity Fee		
Utility	\$130	\$65	130.00

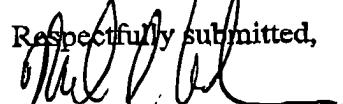
5. Subcharge Fee Under 37 CFR 1.16(l)

Large Entity Fee	Small Entity Fee		
Provisional	\$50	\$25	0

TOTAL	\$2,326.00
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If any additional fee is required, the undersigned attorney hereby authorizes the Patent Office to charge such additional fee to Deposit Account 05-0649.

Respectfully submitted,


 Mark S. Cohen
 Attorney for Applicant(s)
 Registration No. 42,425

Dated: June 12, 2000

Eitan, Pearl, Latzer & Cohen-Zedek
 One Crystal Park, Suite 210
 2011 Crystal Drive
 Arlington, VA 22202-3709
 Tel: 703.486.0600
 Fax: 703.486.0800



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/449,817	11/26/93	RINALDY	A P-2762-US1

EITAN PEARL LATZER & COHEN-ZEDEK
LANDON & STARK ASSOCIATES
2011 CRYSTAL DRIVE
ONE CRYSTAL PARK SUITE 210
ARLINGTON, VA 22202-3709

0212/0110

SEP 11 2000



NOT ASSIGNED

1652

DATE MAILED:

01/10/00

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 or a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
 small entity (statement filed) non-small entity is \$ ~~2,024~~.

1. The statutory basic filing fee is:

missing.

Insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due:

\$ 738.00 for 41 total claims over 20.

\$ 936.00 for 12 independent claims over 3.

\$ 26.00 for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unsigned.

does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above

Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted

inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Everett J. Williams

Customer Service Center

Customer Communication Division, RMAI, 20231-37092